



UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/150,251 09/10/98 ZLOTER

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LM12/0322

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EXAMINER

SHANKAR, V

ART UNIT	PAPER NUMBER
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2778

DATE MAILED:

03/22/00

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)	
Examiner	Group Art Unit	

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

-3-

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE _____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- Responsive to communication(s) filed on amendment B filed on 2-11-2000.
- This action is FINAL.
- Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- Claim(s) 29-31 is/are pending in the application.
- Of the above claim(s) 1-28, 32, 33 is/are withdrawn from consideration.
- Claim(s) _____ is/are allowed.
- Claim(s) 29-31 is/are rejected.
- Claim(s) _____ is/are objected to.
- Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The proposed drawing correction, filed on _____ is approved disapproved.
- The drawing(s) filed on _____ is/are objected to by the Examiner.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All Some* None of the CERTIFIED copies of the priority documents have been received.
- received in Application No. (Series Code/Serial Number) _____.
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Attachment(s)

- Information Disclosure Statement(s), PTO-1449, Paper No(s). 6 Interview Summary, PTO-413
- Notice of References Cited, PTO-892 Notice of Informal Patent Application, PTO-152
- Notice of Draftsperson's Patent Drawing Review, PTO-948 Other _____

Office Action Summary

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DETAILED ACTION

Drawings

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epperson (5,247,137) in view of Murphy (4,667,182).

Regarding Claim 29, Epperson teaches a transmitter device (1 fig.8) for use with a system for digitizing operative strokes of a drawing implement, the drawing implement having a body, an operative drawing tip, and a rear end opposite the operative drawing tip, the transmitter device comprising a housing having a front end and a rear end, the front end having an aperture, the housing including a removable cover portion for receiving a portion of the body of the drawing implement within the housing, with the operative drawing tip extending through the aperture (Figs. 1-5; summary; col.2, line 54 - col.5, line 50); a normally closed switch deployed so as to be opened by relative movement between the drawing implement and the

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housing resulting from the pressure applied to the operative drawing tip (Figs. 1-5; col.2, line 54- col.3, line 2). However, Epperson does not teach a primary spring deployed to bias the drawing implement to a forward position in which the normally closed switch is closed.

Murphy teaches the stylus with a primary spring deployed to bias the drawing implement to a forward position in which the normally closed switch is closed (Summary; Figs. 1-5; col.3, lines 35- col.5, line 58).

Thus, it would have been obvious to the person of ordinary skill in the art at the time of invention to incorporate the teaching of Murphy into Epperson for better handling of the drawing implement.

Regarding Claim 30-31, Murphy teaches that the transmitter comprises a secondary spring deployed to act upon the drawing implement in a rearward direction so as to suspend the drawing implement within the housing (Summary; Figs. 1-5; col.3, lines 36-63, col.5, lines 14-58).

4. Applicant's arguments with respect to claims 29-31 have been considered but are moot in view of the new ground(s) of rejection.

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5. Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

ANY AMENDMENT OR REQUEST FOR RECONSIDERATION IN RESPONSE TO THIS FINAL OFFICE ACTION SHOULD BE DIRECTED TO:

Commissioner of Patent and Trademarks

BOX AF

Washington D.C. 20231

By following this practice it has been found that processing time of the response is reduced, thereby resulting in fewer potential requests for extension of time by applicant.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VIJAY SHANKAR whose telephone number is (703)305-4763.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)305-3900. The Group's new FAX number is (703)308-9051. This FAX number is to be used only for Group 2700 papers.

A handwritten signature in black ink, appearing to read "Vijay Shankar".

**VIJAY SHANKAR
PRIMARY EXAMINER
GROUP 2700**